

## HR 2868

### Continuing Chemical Facilities Antiterrorism Security Act of 2010

**Congress:** 111 (2009–2011, Ended)

**Chamber:** House

**Policy Area:** Emergency Management

**Introduced:** Jun 15, 2009

**Current Status:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 700.

**Latest Action:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 700. (Dec 16, 2010)

**Official Text:** <https://www.congress.gov/bill/111th-congress/house-bill/2868>

## Sponsor

**Name:** Rep. Thompson, Bennie G. [D-MS-2]

**Party:** Democratic • **State:** MS • **Chamber:** House

## Cosponsors (8 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Clarke, Yvette D. [D-NY-11]	D · NY		Jun 15, 2009
Rep. Jackson-Lee, Sheila [D-TX-18]	D · TX		Jun 15, 2009
Rep. Markey, Edward J. [D-MA-7]	D · MA		Jun 15, 2009
Rep. Pascrell, Bill, Jr. [D-NJ-8]	D · NJ		Jun 15, 2009
Rep. Waxman, Henry A. [D-CA-30]	D · CA		Jun 15, 2009
Del. Norton, Eleanor Holmes [D-DC-At Large]	D · DC		Jun 25, 2009
Rep. Hinchey, Maurice D. [D-NY-22]	D · NY		Oct 6, 2009
Rep. Maloney, Carolyn B. [D-NY-14]	D · NY		Oct 7, 2009

## Committee Activity

Committee	Chamber	Activity	Date
Energy and Commerce Committee	House	Reported by	Oct 14, 2009
Homeland Security and Governmental Affairs Committee	Senate	Reported By	Dec 16, 2010
Homeland Security Committee	House	Reported By	Jul 13, 2009
Judiciary Committee	House	Discharged From	Oct 23, 2009

## Subjects & Policy Tags

### Policy Area:

Emergency Management

## Related Bills

Bill	Relationship	Last Action
111 S 3599	Related bill	Jul 15, 2010: Read twice and referred to the Committee on Homeland Security and Governmental Affairs.
111 HRES 885	Procedurally related	Nov 5, 2009: Motion to reconsider laid on the table Agreed to without objection.

Continuing Chemical Facilities Antiterrorism Security Act of 2010 - Amends the Department of Homeland Security Appropriations Act, 2007 to extend for three years (until October 4, 2013) the authority of the the Secretary of Homeland Security (DHS) to issue regulations establishing risk-based performance standards for the security of chemical facilities that require vulnerability assessments and the development and implementation of site security plans (Chemical Facility Anti-Terrorism Standards or CFATS).

Amends the Homeland Security Act of 2002 (HSA) to require the Secretary, acting through the Administrator of the Federal Emergency Management Agency (FEMA) in coordination with the Under Secretary for National Protection and Programs, to: (1) establish a voluntary chemical security training program to enhance the capabilities of high-risk chemical facilities to prevent, prepare for, respond to, mitigate against, and recover from threatened or actual acts of terrorism, natural disasters, and other man-made disasters; and (2) develop a voluntary chemical security exercise program to offer voluntary testing and evaluation of the capabilities of the federal government, state governments, commercial personnel and management, governmental and nongovernmental emergency response providers, and the private sector to prevent, prepare for, mitigate against, respond to, and recover from acts of terrorism, natural disasters, and other emergencies at chemical facilities.

Directs the Secretary, acting through the Assistant Secretary for Infrastructure Protection in coordination with the Under Secretary for Science and Technology, to establish a voluntary technical assistance program to provide nonbinding assistance or recommendations to the owner of a covered chemical facility to: (1) reduce the risk or consequences associated with a successful terrorist attack on the facility; and (2) aid in compliance with the performance standards applicable to the facility under CFATS. Provides that the decision to participate or to implement any assistance or recommendations provided by the Secretary shall be at the sole discretion of the owner or operator.

Requires the Secretary, upon request, to advise such owner or operator of the overall effect that implementing all categories of assistance or recommendations provided by the Secretary would have on the Secretary's determination regarding: (1) the placement of the facility in a risk-based tier under CFATS, or (2) whether the facility would no longer present a high level of security risk. Provides that no act or failure to act by the owner or operator relating to assistance or a recommendation provided by the Secretary shall be interpreted or applied to create any liability or cause of action for compensation that may result from a terrorist act or incident at the facility, with an exception for intervening acts or omissions.

Directs the Secretary to develop a repository for information and data on best practices and cost-effective technologies for implementing CFATS and the voluntary technical assistance program. Provides for the protection of information that may reveal: (1) vulnerabilities or other details of the security capabilities of a covered facility that may be exploited by terrorists, and (2) trade secrets or commercial or financial information that is not customarily in the public domain.

Directs the Secretary, by October 4, 2013, in coordination with a nine-member Chemical Facility Security Advisory Board established by this Act, to submit a report regarding lessons learned from the voluntary technical assistance program.

## **Actions Timeline**

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- **Dec 16, 2010:** Committee on Homeland Security and Governmental Affairs. Reported by Senator Lieberman with an amendment in the nature of a substitute and an amendment to the title. With written report No. 111-370.
- **Dec 16, 2010:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 700.
- **Jul 28, 2010:** Committee on Homeland Security and Governmental Affairs. Ordered to be reported with an amendment in the nature of a substitute favorably.
- **Mar 3, 2010:** Committee on Homeland Security and Governmental Affairs. Hearings held.
- **Nov 9, 2009:** Received in the Senate and Read twice and referred to the Committee on Homeland Security and Governmental Affairs.
- **Nov 6, 2009:** Considered as unfinished business. (consideration: CR H12498-12535)
- **Nov 6, 2009:** The House resolved into Committee of the Whole House on the state of the Union for further consideration.
- **Nov 6, 2009:** DEBATE - Pursuant to the provisions of H.Res. 885, the Committee of the Whole proceeded with 10 minutes of debate on the Thompson (MS) amendment.
- **Nov 6, 2009:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Thompson (MS) amendment, the Chair put the question on adoption of the amendment and by voice vote, announced that the ayes had prevailed. Mr. Barton (TX) demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until later in the legislative day.
- **Nov 6, 2009:** DEBATE - Pursuant to the provisions of H.Res. 885, the Committee of the Whole proceeded with 10 minutes of debate on the Barton (TX) amendment.
- **Nov 6, 2009:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Barton (TX) amendment, the Chair put the question on adoption of the amendment and by voice vote, announced that the noes had prevailed. Mr. Barton (TX) demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until later in the legislative day.
- **Nov 6, 2009:** DEBATE - Pursuant to the provisions of H.Res. 885, the Committee of the Whole proceeded with 10 minutes of debate on the Hastings (FL) amendment.
- **Nov 6, 2009:** DEBATE - Pursuant to the provisions of H.Res. 885, the Committee of the Whole proceeded with 10 minutes of debate on the Dent amendment number 4.
- **Nov 6, 2009:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Dent amendment number 4, the Chair put the question on adoption of the amendment and by voice vote, announced that the noes had prevailed. Mr. Dent demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until later in the legislative day.
- **Nov 6, 2009:** DEBATE - Pursuant to the provisions of H.Res. 885, the Committee of the Whole proceeded with 10 minutes of debate on the Dent amendment number 5.
- **Nov 6, 2009:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Dent amendment number 5, the Chair put the question on adoption of the amendment and by voice vote, announced that the noes had prevailed. Mr. Dent demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until later in the legislative day.
- **Nov 6, 2009:** DEBATE - Pursuant to the provisions of H.Res. 885, the Committee of the Whole proceeded with 10 minutes of debate on the Flake amendment.
- **Nov 6, 2009:** DEBATE - Pursuant to the provisions of H.Res. 885, the Committee of the Whole proceeded with 10 minutes of debate on the Schrader amendment.
- **Nov 6, 2009:** DEBATE - Pursuant to the provisions of H.Res. 885, the Committee of the Whole proceeded with 10 minutes of debate on the McCaul amendment.
- **Nov 6, 2009:** POSTPONED PROCEEDINGS - At the conclusion of debate on the McCaul amendment, the Chair put the question on adoption of the amendment and by voice vote, announced that the noes had prevailed. Mr. McCaul demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until later in the legislative day.
- **Nov 6, 2009:** DEBATE - Pursuant to the provisions of H.Res. 885, the Committee of the Whole proceeded with 10 minutes of debate on the Halvorson amendment.
- **Nov 6, 2009:** DEBATE - Pursuant to the provisions of H.Res. 885, the Committee of the Whole proceeded with 10 minutes of debate on the Foster amendment.
- **Nov 6, 2009:** UNFINISHED BUSINESS - The Chair announced that the unfinished business was the question of adoption of amendments which had been debated earlier and on which further proceedings had been postponed.

Nov 6, 2009: The House rose from the Committee of the Whole House on the state of the Union to report H.R. 2868.

- Nov 6, 2009: The House adopted the amendment as agreed to by the Committee of the Whole House on the state of the Union. (text: CR H12498-12515)
- Nov 6, 2009: Mr. Dent moved to recommit with instructions to Homeland Security. (consideration: CR H12533-12534; text: CR H12533)
- Nov 6, 2009: DEBATE - The House proceeded with 10 minutes of debate on the Dent motion to recommit with instructions. The instructions contained in the motion seek to insert a new paragraph which states that in implementing methods to reduce consequences of a terrorist attack on a chemical facility, such implementation must not significantly or demonstrably reduce the operations of the covered chemical facility or result in any net reduction in private sector employment when national unemployment is above 4 percent.
- Nov 6, 2009: The previous question on the motion to recommit with instructions was ordered without objection. (consideration: CR H12534)
- Nov 6, 2009: On motion to recommit with instructions Failed by recorded vote: 189 - 236 (Roll no. 874). (consideration: CR H12534)
- Nov 6, 2009: Passed/agreed to in House: On passage Passed by recorded vote: 230 - 193 (Roll no. 875).
- Nov 6, 2009: On passage Passed by recorded vote: 230 - 193 (Roll no. 875).
- Nov 6, 2009: Motion to reconsider laid on the table Agreed to without objection.
- Nov 6, 2009: The title of the measure was amended. Agreed to without objection.
- Nov 6, 2009: The Clerk was authorized to correct section numbers, punctuation, and cross references, and to make other necessary technical and conforming corrections in the engrossment of H.R. 2868.
- Nov 5, 2009: Rule H. Res. 885 passed House.
- Nov 5, 2009: Considered under the provisions of rule H. Res. 885. (consideration: CR H12407-12426)
- Nov 5, 2009: Rule provides for consideration of H.R. 2868 with 1 hour and 30 minutes of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit with or without instructions. Measure will be considered read. A specified amendment is in order. The rule waives all points of order against consideration of the bill except those arising under clause 9 or 10 of rule XXI. The rule provides that in lieu of the amendments in the nature of a substitute recommended by the Committees on Homeland Security and Energy and Commerce now printed in the bill, the amendment in the nature of a substitute printed in part A of the report to accompanying this rule shall be considered as an original bill for the purpose of amendment.
- Nov 5, 2009: House resolved itself into the Committee of the Whole House on the state of the Union pursuant to H. Res. 885 and Rule XVIII.
- Nov 5, 2009: The Speaker designated the Honorable Jay Inslee to act as Chairman of the Committee.
- Nov 5, 2009: GENERAL DEBATE - The Committee of the Whole proceeded with ninety minutes of general debate on H. R. 2868.
- Nov 5, 2009: Ms. Johnson, E. B. moved that the Committee rise.
- Nov 5, 2009: On motion that the Committee rise Agreed to by voice vote.
- Nov 5, 2009: Committee of the Whole House on the state of the Union rises leaving H.R. 2868 as unfinished business.
- Nov 3, 2009: Rules Committee Resolution H. Res. 885 Reported to House. Rule provides for consideration of H.R. 2868 with 1 hour and 30 minutes of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit with or without instructions. Measure will be considered read. A specified amendment is in order. The rule waives all points of order against consideration of the bill except those arising under clause 9 or 10 of rule XXI. The rule provides that in lieu of the amendments in the nature of a substitute recommended by the Committees on Homeland Security and Energy and Commerce now printed in the bill, the amendment in the nature of a substitute printed in part A of the report to accompanying this rule shall be considered as an original bill for the purpose of amendment.
- Oct 23, 2009: Reported (Amended) by the Committee on Energy and Commerce. H. Rept. 111-205, Part II.
- Oct 23, 2009: Committee on Judiciary discharged.
- Oct 23, 2009: Placed on the Union Calendar, Calendar No. 178.
- Oct 21, 2009: Committee Consideration and Mark-up Session Held.
- Oct 21, 2009: Ordered to be Reported (Amended) by the Yeas and Nays: 29 - 18.
- Oct 14, 2009: Subcommittee Consideration and Mark-up Session Held.
- Oct 14, 2009: Forwarded by Subcommittee to Full Committee (Amended) by the Yeas and Nays: 18 - 10 .
- Oct 1, 2009: Subcommittee Hearings Held.

**Sep 30, 2009:** House Committee on Energy and Commerce Granted an extension for further consideration ending not later than Oct. 23, 2009.

- **Sep 30, 2009:** House Committee on Judiciary Granted an extension for further consideration ending not later than Oct. 23, 2009.
- **Jul 31, 2009:** House Committee on Energy and Commerce Granted an extension for further consideration ending not later than Sept. 30, 2009.
- **Jul 31, 2009:** House Committee on Judiciary Granted an extension for further consideration ending not later than Sept. 30, 2009.
- **Jul 13, 2009:** Reported (Amended) by the Committee on Homeland Security. H. Rept. 111-205, Part I.
- **Jul 13, 2009:** House Committee on Energy and Commerce Granted an extension for further consideration ending not later than July 31, 2009.
- **Jul 13, 2009:** Referred sequentially to the House Committee on the Judiciary for a period ending not later than July 31, 2009 for consideration of such provisions of the bill and the amendment as fall within the jurisdiction of that committee pursuant to clause 1(k), rule x.
- **Jun 23, 2009:** Committee Consideration and Mark-up Session Held.
- **Jun 23, 2009:** Ordered to be Reported (Amended) by Voice Vote.
- **Jun 16, 2009:** Committee Hearings Held.
- **Jun 16, 2009:** Referred to the Subcommittee on Energy and Environment.
- **Jun 15, 2009:** Introduced in House
- **Jun 15, 2009:** Referred to House Homeland Security
- **Jun 15, 2009:** Referred to the Committee on Homeland Security, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.
- **Jun 15, 2009:** Referred to House Energy and Commerce